
SOWING RIGHTS, REAPING JUSTICE: A CONSTITUTIONAL REAPPRAISAL OF FARMERS' RIGHTS IN INDIA

Lakshay Manchanda, Advocate

Aanchal Sharma, Indore Institute of Law, Indore, MP

ABSTRACT

This study takes a critical look at India's Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001, which was introduced to meet India's commitments under the TRIPS Agreement. The Act was designed to create a unique and specialized system for protecting plant varieties, often referred to as a "sui generis" system. The main goal of this Act is to ensure that both plant breeders and farmers have their rights recognized and protected. It aims to strike a balance between the intellectual property rights of breeders and the traditional rights of farmers, who have long been saving, using, exchanging, and registering seeds. The Act uniquely acknowledges farmers as important custodians of plant genetic resources, which is a significant shift from conventional approaches. Under the Act, breeders are granted exclusive rights over their registered plant varieties, but these rights come with certain conditions, such as the variety must be new, distinct, uniform, and stable. In addition to protecting breeders, the Act also includes important provisions to safeguard farmers' interests. These include mechanisms for benefit-sharing, which ensure that farmers can benefit from the use of new plant varieties, and the option of compulsory licensing, which allows for the production of seeds under certain circumstances. The judicial interpretations of the Act, along with the difficulties in enforcement, have revealed certain ambiguities in how to balance proprietary rights with the broader goals of food security and the conservation of biodiversity. In conclusion, while the PPV&FR Act is viewed as a progressive and farmer-centered legal framework, its success largely depends on better implementation by institutions, increased public investment in agricultural research and development, and the introduction of clearer policies that ensure fair access to seeds and support sustainable agricultural growth.

Keywords: Sui Generis Plant Variety Protection, Benefit-Sharing Mechanism, Seed Market Regulation, Agrobiodiversity Conservation, Compulsory Licensing in Agriculture

INTRODUCTION

The transition in India's agricultural system from a traditional method where farmers managed their own seeds to a new approach that emphasizes intellectual property protection marks a significant shift in how agriculture is governed through laws and policies. Previously, Indian farmers operated within a community-based system, where they saved, shared, and reused seeds freely without interference from private entities. However, with the increasing globalization, progress in plant breeding technologies, and the necessity to engage in international trade, there has been a growing need for new legal frameworks that align with global standards for intellectual property. The introduction of *The Protection of Plant Varieties and Farmers' Rights Act, 2001*¹ was a crucial development in this regard. This law established a structured system that acknowledges the importance of plant varieties while also safeguarding the rights of farmers who have long relied on traditional seed practices.

Shift from traditional seed sovereignty to IP-based agricultural governance

India's agrarian traditions were closely linked to the concept of seed sovereignty, where farmers had control over how they produced, stored, and shared seeds. These practices were handed down through generations and formed an essential part of their cultural and agricultural knowledge. Seeds were viewed as a shared resource and an integral part of the community's heritage, rather than as commodities to be bought and sold. However, with the advancement of biotechnology and the development of new hybrid seeds, the way plant varieties were managed began to change. Instead of being treated as part of a communal system, seeds started to be regulated through intellectual property laws. This shift meant that seeds were now seen as valuable innovations requiring legal protection, which gave them commercial value. As a result, the way agriculture was controlled moved from informal, local rules to a more structured system based on intellectual property rights.

TRIPS obligations and enactment of Protection of Plant Varieties and Farmers' Rights Act, 2001

India's responsibilities under the World Trade Organization's framework, especially the *TRIPS Agreement*, meant that all member countries had to offer protection for plant varieties through patents, a special system of its own, or a mix of both. Instead of following a strict patent-only

¹ The Protection of Plant Varieties and Farmers' Rights Act, 2001, No. 53 of 2001 (India)

system, India opted for a unique approach by passing *The Protection of Plant Varieties and Farmers' Rights Act, 2001*. This law is special because it gives breeders exclusive rights for the plant varieties they register, while also officially recognizing the rights of farmers. Farmers are allowed to save, use, exchange, and sell seeds they have grown themselves, with the exception of branded seeds. This act shows India's effort to balance its international trade obligations with the needs of its own people and its agricultural community, focusing on fairness and justice in farming practices.

Tension between breeders' rights and farmers' customary practices

The way breeders have exclusive rights over plant varieties and how farmers have been using traditional seed practices over time creates a kind of built-in conflict within the system that protects plant varieties. Breeders are given the ability to make, sell, advertise, and send out the varieties they have registered, which encourages them to come up with new ideas and get support from private investors in the farming sector. However, farmers have always used informal methods to get seeds, which are more about making sure everyone has access and sharing among themselves. Even though the law tries to keep these different needs in check, there are real problems when the process of putting seeds on the market stops farmers from doing what they've always done or when rules about using seeds in a certain way make it harder for them to reuse seeds.

RESEARCH PROBLEM

The important issue that the research focuses on is whether the current legal system, as defined by *The Protection of Plant Varieties and Farmers' Rights Act, 2001*, properly manages the balance between protecting intellectual property rights for plant breeders and ensuring that farmers retain their traditional rights. Although the Act was created with the goal of combining incentives for innovation with fairness for society, there are still many questions about how well it works in practice. For instance, it is unclear if small and marginal farmers can easily access the benefits provided by the Act, and whether the mechanisms that are supposed to ensure fair sharing of benefits from agricultural innovations are actually working. Moreover, the study looks into whether the growing dominance of large companies in the seed market and the use of new technologies like biotechnology are weakening the balance the Act aims to maintain. As a result, the research aims to closely examine whether India's unique legal approach, known as the sui generis model, truly supports rural farming communities or if it is

slowly becoming more aligned with a system that favors corporate interests in intellectual property.

EVOLUTION OF FARMERS' RIGHTS IN INTERNATIONAL AND INDIAN LAW

International Background

The idea of Farmers' Rights came into existence as a way to address the increasing influence of official plant breeding systems and intellectual property laws over traditional farming methods. In the past, farmers played a key role in saving, enhancing, and sharing seeds within their local agricultural traditions. But as global intellectual property agreements started to take shape, there were growing worries about how these new rules might push aside the knowledge and practices of small-scale farmers. A significant event in this development was the *Agreement on Trade-Related Aspects of Intellectual Property Rights*², or TRIPS. This agreement required member countries to protect new plant varieties through patents, a unique legal system, or a mix of both.

A. TRIPS Agreement (Article 27.3(b)): The implementation of the TRIPS Agreement, which is part of the World Trade Organization's system, marked a significant turning point in the way intellectual property rules are applied globally. For the first time in history, there were set minimum rules for protecting intellectual property, and all member countries, including those that are less developed, had to follow these rules. One important part of *TRIPS, Article 27.3(b)*³, specifically deals with plant varieties. It requires each member country to offer some form of protection for plant varieties, either through patents, a unique national system that is tailored for this purpose, or a mix of both. However, the agreement does not give a clear definition of what an "effective" unique system looks like. This lack of a strict definition allows each country to design its own laws based on its own economic and social conditions. In countries like India, where farming is a vital part of daily life and traditional seed-sharing practices are common, a strict patent system for plant varieties was not considered suitable. Patents could have given too much control to large corporations and commercial seed producers, which could have harmed the ability of local farmers to

² Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, 1869 U.N.T.S. 299.

³ Agreement on Trade-Related Aspects of Intellectual Property Rights art. 27.3(b), Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, 1869 U.N.T.S. 299.

save and share seeds. Therefore, India chose to create its own unique system and passed *The Protection of Plant Varieties and Farmers' Rights Act, 2001*. This decision shows how India used the flexibility allowed by TRIPS to balance its international commitments with its own agricultural needs and priorities.

B. FAO concept of Farmers' Rights: The idea of Farmers' Rights first emerged during discussions at the Food and Agriculture Organization (FAO), especially through the *International Undertaking on Plant Genetic Resources in 1983*⁴. In the past, plant genetic resources were considered the shared wealth of all people, and they were freely shared across different countries without any payment or recognition given to the communities that had been preserving these resources for generations. But as intellectual property laws and commercial plant breeding began to take hold, there was growing concern that farmers, especially those in developing countries, were not receiving any benefits from the genetic materials they had been carefully growing and maintaining over time. In reaction to this, the FAO introduced the concept of Farmers' Rights, aiming to balance the rights of breeders with those of farmers. Farmers were no longer seen just as people who grow crops, but as important contributors to the conservation, innovation, and protection of biodiversity in agriculture. The idea highlighted key rights, such as the ability to save, use, share, and sell seeds produced on their own farms. It also focused on ensuring fair sharing of the benefits that come from using plant genetic resources in commercial ways. This change in perspective shifted the conversation around protecting plant varieties from being solely about commercial innovation to a broader discussion about social justice and fairness across generations.

C. UPOV Convention vs. India's sui generis model: The UPOV Convention creates an international framework designed to protect new plant varieties, with a main focus on ensuring breeders' rights. Specifically, under the 1991 Act of the UPOV, breeders are given strong exclusive rights regarding the production, reproduction, sale, and commercial use of the protected plant varieties. However, the rights of farmers under this system are not guaranteed and are considered optional, meaning they can vary depending on the country's laws. Farmers may also be required to pay compensation or remuneration to the breeders for using the protected varieties. The overall approach of

⁴ International Undertaking on Plant Genetic Resources, FAO Res. 8/83 (Nov. 23, 1983).

the UPOV system is market-driven, aiming to encourage private investment in the development of new plant breeds. India, however, decided not to join the UPOV 1991 agreement because it believed the rules were too strict and would negatively affect small and marginal farmers who depend on traditional practices like saving and exchanging seeds. Instead, India introduced its own law called ***The Protection of Plant Varieties and Farmers' Rights Act, 2001***. This law created a unique model known as a "sui generis" system, which combines the protection of breeders' commercial interests with the protection of farmers' traditional rights. In contrast to UPOV, the Indian model clearly acknowledges farmers as contributors to plant breeding. It also allows farmers to save and use seeds, except for selling branded seeds. Additionally, it includes mechanisms for sharing benefits and providing compensation when necessary.

Legislative Intent Behind the PPVFR Act

The Protection of Plant Varieties and Farmers' Rights Act, 2001 was introduced in India as a unique and special law, designed to meet the commitments India has made under the ***TRIPS Agreement***, while at the same time protecting the country's own agricultural interests. The main goal of this law is to create a fair balance between the rights of those who develop new plant varieties and the rights of farmers. This is different from other laws that focus only on protecting the breeders.

- A. Balancing breeders and farmers:** The purpose of ***The Protection of Plant Varieties and Farmers' Rights Act, 2001*** was to build a fair and just legal system that supports both encouraging innovation and protecting the rights of farmers. The law was designed to balance two important goals. First, it aims to support the creation of new plant varieties by giving breeders the exclusive right to control and benefit from the varieties they develop. This protection helps to promote research, investment, and the use of new technologies in farming, which in turn helps to ensure that people have enough food and that the economy grows. However, the law also acknowledges that in India, most farming is done by small and low-income farmers who use seeds in a traditional and informal way. If the law had been too strict on protecting intellectual property, it might have made it difficult for these farmers to continue their usual practices. To address this, the Act includes specific rights for farmers, which allow them to save, use, plant, replant, exchange, share, or sell the produce from protected plant varieties, as long as

they don't sell the branded seeds themselves. Furthermore, the Act includes rules that help ensure fair sharing of benefits from the use of plant varieties, allows for compulsory licensing in certain situations, and provides for compensation if crops fail because of poor-quality seeds.

B. Recognition of traditional knowledge: The PPVFR Act has a clear goal of officially acknowledging the knowledge and innovations that come from traditional practices and community efforts in agriculture. This is different from traditional laws that focus on individual inventors and new ideas. Instead, this Act understands that farmers have been building up their knowledge and skills over time, making gradual improvements in plant breeding. It allows farmers to officially register their own developed plant varieties as well as existing ones, which helps to confirm their traditional farming methods within the legal system. The Act also includes ways to share the benefits when genetic resources from these communities are used for commercial purposes, making sure that those who provide the resources get fair rewards. Moreover, it protects farmers who might unintentionally grow plants that are protected by others, recognizing that they may not be aware of the legal status. The law also gives awards and recognition to farmers who work hard to preserve biodiversity, both honouring their efforts and supporting their role as guardians of nature's diversity.

ARTICLE 14: EQUALITY AND NON-ARBITRARINESS IN SEED GOVERNANCE

Article 14 Doctrine

A. Reasonable classification test: *Article 14 of the Indian Constitution*⁵ says that everyone should be treated equally by the law and receive the same protection. This doesn't mean the government can't make differences or group people in different ways. Instead, any such grouping must be fair, based on clear and simple reasons, and connected logically to the law's purpose. The Supreme Court has said that there are two main checks for this: first, the law must distinguish between different groups, and second, the difference must make sense in relation to the law's goal. In the case of seed laws, it's reasonable for the government to divide seeds into different categories, like seeds made by farmers and seeds made by scientists, or to set rules for registering and

⁵ India Const. art. 14.

protecting new kinds of seeds. These rules need to be made carefully to balance two things: supporting new ideas by protecting new seed varieties, and making sure farmers' rights are respected by protecting their traditional ways of growing crops and their knowledge.

- B. Manifest arbitrariness doctrine:** Beyond classification tests, the Supreme Court has developed a no-arbitrariness principle that is deeply connected to *Article 14*. In the case of *E. P. Royappa v. State of Tamil Nadu (1973)*⁶ the Court said that equality is the opposite of arbitrary actions. If government actions are not based on reason or fairness, they break *Article 14*, even if they use classification language. Today, courts check if government policies or laws are done in a capricious or unfair way without a valid reason. In the area of seed regulation, arbitrariness might come up if registration processes, timeframes, or how rules are enforced unfairly help one group, like breeders, without a proper reason linked to the goals of the PPVFR law. The idea that fairness is always important means courts will look closely at what the PPVFR rules actually say and how they are applied in practice.

Equality Between Farmers and Breeders

- A. Are breeders given disproportionate protection:** The PPVFR Act sets up a unique system where both *breeders and farmers* can have rights over plant varieties. Breeders get special rights to sell and use protected varieties, including control over how they are grown and sold, according to *Sections 14*⁷ and *Section 15*⁸. However, some people say that in reality, this system favours breeders' business goals and may take away from farmers' traditional ways of using seeds. From the perspective of *Article 14*, if a law gives breeders more or longer protection without a clear reason related to public interest like encouraging innovation, this unfairness could be seen as unreasonable or arbitrary. But the government's goal of supporting research and development in plant breeding can be a valid reason for treating breeders differently, as long as it also considers the needs and interests of farmers.

⁶ *E. P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3 (India).

⁷ The Protection of Plant Varieties and Farmers' Rights Act, 2001, § 14, (India).

⁸ The Protection of Plant Varieties and Farmers' Rights Act, 2001, § 15, (India).

- B. Section 39: Farmers' rights to save, use, exchange seeds:** *Section 39*⁹ clearly keeps a farmer's right to save, use, sow, re-sow, exchange, share, or sell their farm products, including seeds of a variety protected by this law, in almost the same way as before the law was put in place. However, this right does not include selling seeds that are branded. This is a special feature in the global system for protecting plant varieties and shows a decision made based on the country's constitution to balance intellectual property rights with traditional farming methods. According to *Article 14*, this part of the law helps prevent unfair treatment and ensures equal access to seed practices that are important for small-scale farming. If this part wasn't included, it might have been questioned because it wouldn't have a clear connection to protecting biodiversity and ensuring food security for the public.
- C. Compensation mechanism for crop failure:** While *Section 39* provides the right to use, the PPVFR Act has limited direct ways to compensate farmers in cases like crop failure, which is a big worry for farmers who rely on certified seeds. When the law offers strong protection to one group (breeders), like longer rights to sell seeds, but offers little or no protection to another group (farmers) against losses from rules they must follow, it raises concerns under *Article 14*. This article questions whether the system treats people in similar situations (seed users) equally and fairly. Although Indian courts have not yet ruled directly on the compensation part of the *PPVFR Act* under *Article 14*, the broader idea of the constitution suggests that fairness and the public interest should guide laws that affect vulnerable groups like small farmers.
- D. Arbitrariness and Access to Registration:** A challenge under *Article 14* regarding the registration process under the *PPVFR Act* should look at whether the rules for registering a plant variety are unfair or don't have a good reason. *Sections 14 and 15* talk about what makes a variety eligible like being new, different, uniform, and stable but the way these rules are applied through government guidelines needs to be clear and have a logical basis. If the process for registering plant varieties unfairly hurts certain groups, like small farmers trying to register traditional seeds, and there's no good reason for that based on the laws' goals, it could break *Article 14*.

ARTICLE 19(1)(G): FREEDOM OF OCCUPATION AND AGRICULTURAL

⁹ The Protection of Plant Varieties and Farmers' Rights Act, 2001, § 39 (India).

AUTONOMY

- A. **Article 19(1)(g) of the Indian Constitution**¹⁰ ensures every citizen the basic right to choose any profession, occupation, trade, or business. This right is important for protecting people's freedom to earn a living. In India, especially in farming, this right helps farmers decide how they want to grow and manage their crops. When it comes to seeds and farming, this constitutional right connects with laws like the *PPVFR Act*, which gives both farmers and seed breeders certain rights. Farmers can save, use, and share seeds, while breeders also have rights over their seeds. There is a mix of cooperation and conflict between the freedom to farm and the rules around seed rights, which has been discussed by lawyers, policymakers, and scholars.
- B. **Agriculture as Occupation:** Agriculture is the main job for a big part of India's people. *Article 19(1)(g)* says that citizens have the right to choose and do this job without too much interference from the government, as long as there are reasonable limits set by law for the good of the public. The *PPVFR Act* agrees with this by seeing farmers as people with rights, not just as people who use or work on farms. The Act gives a wide definition of a "farmer," including those who grow crops or protect old types of plants. It also gives farmers the right to save, use, plant, replant, share, or sell their crops, including seeds from protected varieties. This helps keep a tradition that's important for farming. This is important because in many other countries with strict rules on intellectual property, farmers can't use seeds freely because of special rights. But in India, the *PPVFR Act* supports farmers' freedom as part of their work, which is an example of how *Article 19(1)(g)* is used in the farming sector.
- C. **Seed-Saving as Economic Freedom:** Seed-saving is more than just an old tradition; it's also a smart economic decision and a way for farmers to have control over their farming. In India, there's a special system that lets farmers save and use seeds, even from registered varieties, as long as they don't sell them as branded seeds. This legal support helps farmers deal with risks, cut down on costs, and keep a variety of crops growing, all of which are connected to economic freedom, as mentioned in *Article 19(1)(g)*. The Supreme Court of India has shown support for this in cases like *Emergent*

¹⁰ India Const. art. 19, cl. 1(g).

*Genetics India (P) Ltd. v. Shailendra Shivam And Ors, 2011*¹¹. In that case, the court noted that farmers have been saving their own seeds for centuries, which is key to their way of life and economic stability. The court also acknowledged the legal protections given by *The Plant Varieties and Farmers' Rights (PPVFR)* system, highlighting how important seed-saving is as a protected activity. This is different from places like the United States, where cases such as *J.E.M. Ag Supply, Inc. v. Pioneer Hi-Bred Int'l Inc.*¹² have limited seed-saving because of strict patent rules.

ARTICLE 21: RIGHT TO LIFE, LIVELIHOOD, FOOD SECURITY AND SEED SOVEREIGNTY.

A. **Expansive Interpretation of Article 21:** Under *Article 21 of the Indian Constitution*¹³, it says, "No person shall be deprived of their life or personal liberty except according to a procedure established by law." In the past, the word "life" was understood simply as being alive. But the Supreme Court has changed this view over time. Now, it sees life as more than just living it includes the quality and dignity of life. This means that aspects like having a job, good food, a home, good health, and a clean environment are all part of what makes life meaningful. A major case that changed this understanding was *Maneka Gandhi v. Union of India (1978)*¹⁴. In this case, the Supreme Court said that when someone's freedom is taken away, it must follow a fair, just, and reasonable process. This decision rejected a strict interpretation of "procedure established by law." It also brought together *Articles 14, 19, and 21*, which together ensure better protection for life and liberty. Another important case is *Olga Tellis v. Bombay Municipal Corporation (1985)*¹⁵. In this case, the Supreme Court clearly said that the right to life includes the right to livelihood. Without a means of earning a living, life itself becomes difficult to sustain. This ruling is often used to show that socio-economic rights, like having a job and a good standard of living, are deeply connected to the guarantee of dignity and a meaningful life under *Article 21*. Through court rulings, *Article 21* now covers a wide range of rights, such as the right to health, clean air and water, shelter, education, environmental protection, and even food security.

¹¹ Emergent Genetics India (P) Ltd. v. Shailendra Shivam, 2011 SCC OnLine Del 1993 (India).

¹² J.E.M. Ag Supply, Inc. v. Pioneer Hi-Bred Int'l, Inc., 534 U.S. 124 (2001).

¹³ India Const. art. 21

¹⁴ Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India)

¹⁵ Olga Tellis v. Bombay Mun. Corp., (1985) 3 SCC 545 (India)

B. Seed as a Component of Life and Dignity: In countries where farming is a main part of the economy, like India, seeds are more than just something farmer's plant. They are essential for their daily lives, income, and even their culture. Having access to good seeds, being able to get them, and having control over them are all connected to the right to life as stated in *Article 21 of the Indian Constitution*. This is because seeds help farmers grow food, earn money, and maintain their traditions. Although *Article 21* doesn't specifically mention seeds, Indian courts have considered the right to food and a living wage as part of this right. In legal discussions and public interest litigation about food security, experts say that being able to get high-quality seeds and having many choices is important for long-term farming and for meeting the rights guaranteed by the Constitution. For instance, the right to food has been recognized under *Article 21*, which means the government has a duty to make sure that small farmers have fair access to seeds. Current laws related to agriculture give farmers the right to use, save, plant, share, and sell seeds. These rules help protect traditional and native seed varieties, which support seed sovereignty and the diversity of crops and ecosystems. In this way, seeds are not just items for farming they are tied to a farmer's dignity, cultural identity, and the right to live well, as described in *Article 21. The Protection of Plant Varieties and Farmers' Rights Act, 2001*, also supports this idea by giving farmers rights over the seeds they use, which helps ensure their livelihoods and the health of the environment.

C. Farmer Rights as Human Rights: The *PPVFR Act, 2001* is a law that shows how farmer's rights are important not just as farming benefits, but as basic human rights based on dignity. The Act does more than just protect ideas; it gives farmers:

- The right to save, use, share, exchange, or sell seeds and farm products as they have done before the law was passed.
- The right to register and protect new plant varieties they create, like breeders do.
- The right to conserve and improve genetic resources, which might lead to recognition and rewards.

This law brings a rights-based approach to how farming is managed, and it ties into *Article 21 of the Constitution*, which guarantees a life that is dignified and humane. In court cases, like

Emergent Genetics India Pvt. Ltd. v. Shailendra Shivam and ORS, 2011, judges have recognized that farmers have long taken care of seeds in their communities and the law is there to protect these practices from big companies.

CONSTITUTIONAL MORALITY AND AGRARIAN JUSTICE

Constitutional morality refers to the idea of living by the core values and principles that are laid out in the Indian Constitution. These values include justice, which covers fairness in social, economic, and political matters, equality, respect for all individuals, and the right to freedom. In the context of farming, this means that laws governing agriculture, such as the Protection of Plant Varieties and Farmers' Rights Act, 2001, should be applied in a manner that supports innovation in farming practices while also protecting the rights of farmers. These rights include their traditional way of life and their means of earning a living, as highlighted in the Constitution. It is also important that laws aimed at promoting the welfare of society, as outlined in the Directive Principles of State Policy, do not infringe upon the fundamental rights of individuals, which are clearly stated in the Fundamental Rights section of the Constitution.

A. Directive Principles and Agrarian Welfare: *The Directive Principles of State Policy (DPSP), found in Part IV (Articles 36-51) of the Constitution*¹⁶, are not enforceable in court but are important for how the country is governed. They guide the government in making policies that help society, share resources fairly, and ensure economic fairness. One of these, *Article 39*¹⁷, tells the government to make sure everyone has enough to live on and that ownership of resources is spread out to benefit everyone. It also aims to stop the concentration of wealth and resources, which helps farmers by making land, seeds, and other tools more accessible. *Article 48*¹⁸ says the government should work to improve farming and animal care using modern methods and protect and improve cattle breeds, showing how important farming is in India's plan for a welfare state. Even though they can't be used in court on their own, they have a strong influence. Recently, the Supreme Court has started taking these principles more seriously. In *Property Owners Association v. State of Maharashtra (2024)*¹⁹, a top

¹⁶ India Const. pt. IV, arts. 36–51.

¹⁷ India Const. art. 39.

¹⁸ India Const. art. 48.

¹⁹ Property Owners Ass'n v. State of Maharashtra, (2024) INSC 835 (India).

court looked at *Article 39(b)*²⁰ about sharing resources and said not all private property is considered part of the community's resources. The court noted that the government can't control everything and must balance helping people with respecting individual rights. This shows a balanced view of constitutional values that doesn't allow the government to take too much control, but instead requires fair policies that help people while keeping their freedoms.

B. Reading PPVFR Harmoniously with Fundamental Rights: *The Protection of Plant Varieties and Farmers' Rights Act, 2001* is a specific legal framework that aims to create a fair balance between the rights of plant breeders and the rights of farmers. This law recognizes the importance of protecting the intellectual property of those who develop new plant varieties, while also ensuring that farmers continue to have the freedom to save, use, share, and sell their seeds, as well as to maintain and pass on genetic resources from generation to generation. This law is built on the principle of fairness within farming communities, where both innovation and tradition are valued. The Act supports breeders by giving them legal protection for their creations, but it also safeguards the rights of farmers, ensuring that they are not deprived of their traditional practices or rights, which could happen under other laws that protect plant varieties. From a constitutional perspective, the law's balance must align with some of the key rights guaranteed in the Constitution, such as the *right to equality (Article 14)*, the *right to carry on business or engage in occupation, trade, or profession (Article 19(1)(g))*, and the *right to live with dignity (Article 21)*.

The Supreme Court has consistently worked to understand how these constitutional rights and the *Directive Principles of State Policy* function together in a cohesive way. In cases like *State of Kerala v. N.M. Thomas and others*²¹ and others, the Court emphasized that these different parts of the Constitution should be viewed as part of a single, unified framework, not as conflicting elements. In *Minerva Mills Ltd. v. Union of India (1980)*,²² the Court clarified that if either the Fundamental Rights or the Directive Principles of State Policy are given too much emphasis, it may disrupt the balance, and both are crucial for achieving social justice. This approach to interpreting the law is particularly relevant when examining the *PPVFR Act*. The law must not grant

²⁰ India Const. art. 39(b)

²¹ *State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310 (India).

²² *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India)

excessive power to intellectual property rights in a way that undermines the traditional rights of farmers, especially small and marginal farmers, who are often the most vulnerable. When courts review parts of the PPVFR Act, such as provisions related to compulsory licensing or the sharing of benefits, they will closely examine whether the law treats farmers equitably and whether it disproportionately affects poorer farming communities.

CONCLUSION AND FINDINGS

A. PPVFR Reflects Constitutional Values but Lacks Robust Enforcement

The Protection of Plant Varieties and Farmers' Rights Act, 2001 (PPVFR Act) reflects important constitutional values like fairness, equality, and support for people's livelihood. It aims to strike a balance between the rights of seed breeders and the traditional rights of farmers to save, use, share, and sell seeds. The Act recognizes farmers as essential contributors who help in creating and preserving plant genetic resources. This recognition shows respect for their dignity and allows them to actively participate in the economy, which aligns with the principles of the Constitution. However, in practice, the Act is not being properly implemented. Farmers are not well informed about it, the rules are too complex, there are insufficient resources in the system, and the courts have not provided clear explanations. Even though the Act is good in theory, it needs more effective ways of implementation to fully realize its intended goals. Some court cases, such as *Nuziveedu Seeds Ltd. v. Monsanto Technology LLC*²³, demonstrate that the courts are trying to ensure fair treatment for both seed breeders and farmers, particularly in cases involving seed technology and contractual agreements

B. Farmers' Rights Match Articles 14, 19, and 21: The farmers' rights covered by the PPVFR Act match some basic rights in the Constitution:

- **Article 14 (Equality before the Law):** The Act treats farmers and seed breeders equally, stopping unfair treatment and making sure everyone is protected the same.

²³ *Nuziveedu Seeds Ltd. v. Monsanto Tech. LLC*, 2019 SCC OnLine Del 7491 (India).

- **Article 19(1)(g) (Freedom of Occupation):** Farmers can keep saving, using, sharing, and selling seeds that aren't branded, allowing them to work in agriculture freely.
- **Article 21 (Right to Life and Livelihood):** The Act helps keep their control over seeds and supports their ability to make a living, which the courts have said is part of the right to life, as shown in *Olga Tellis v. Bombay Municipal Corporation*.